C.S. 1001 SINGLE BENCH (1) (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2004 OF 2006

PETITIONER

Syed ~~Likayat~~ Liyakat Ali, aged about 35 years, Son of Shri Syed Sher Ali, Resident of Ganesh Chauk, Nayapara, Baloda Bazar, District Raipur (C.G.).

R.R. No. 1153/06 Presented by Shri Vinod Sharma dated 29.3.2006

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, School Education Department, (Mantralaya), D.K.S. Bhawan Raipur, (C.G.).

2. The Deputy Director, Public Instructions, Raipur (C.G.).

3. The District Education Officer, Raipur (C.G.).

RECEIVED-COPY 29/3/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, 1950, FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, ETC. AND FOR OTHER APPROPRIATE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP(S) 2004/06 सन् 200

(25)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-4-2006: -

Shri Virendra Sharma, counsel for the petitioner.

Miss Dipali Pandey, Panel Lawyer for the State/respondents.

Heard both the counsel.

By the instant petition, the petitioner has prayed that respondent/ State be directed to grant the petitioner regular scale of pay and seniority from the date of his initial appointment; the respondents be directed to pay arrears of salary and allowance for the period of probation; and further respondents be directed to grant the benefit of 2 increments as per the circular Anenxure-P/4.

Having heard learned counsel for the parties, I have perused the petition and documents annexed with the petition.

As far as prayer made for regular scale of pay and seniority from the date of his initial appointment, arrears of salary and allowance is concerned, the petition is wholly misconceived for the reason that the petitioner was initially appointed vide order dated 3-4-91 in which it has been clearly mentioned that the appointment of the petitioner was purely temporary and his services were liable to be terminated without any prior notice. It was specifically mentioned that the appointment of the petitioner is being made on the fixed salary of Rs.500/- per month. The second clause of the appointment letter further makes it clear that only after completion of 3 years satisfactory teaching by the petitioner, he will be entitled for regular appointment on the regular pay scale. When the petitioner completed 3 years service with satisfactory teaching to the satisfaction of the authority, the petitioner was appointed in a regular pay scale. This appointment was purely temporary, conditional and was on

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आदेश पत्रक

(26)

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the fixed pay, therefore, after satisfactory completion of teaching, he was entitled for regular pay scale, hence for this period, the petitioner is not entitled for a regular pay scale and seniority from 3-4-91.

As far as 3rd relief is concerned, he has mentioned that the petitioner has completed the basic training on his own expenses, therefore, he is entitled for 2 advanced increments in view of the Government Order dated 16-2-99.

But, the petitioner has not furnished the certificate along with this petition, therefore, the petitioner is directed to move an application before respondent No.2 with certificate regarding the training received by him on his own expenses as per the order dated 16-2-99. On furnishing such application with certificate and necessary documents, respondent No.2 is directed to consider the case of the petitioner. If the petitioner satisfies the condition as envisaged in the order dated 16-2-99, then the respondent No.2 to consider the case of the petitioner for grant of 2 increments and pass appropriate order on the said application within a period of 2 months from the date of receipt of the application, in accordance with law.

The writ petition is disposed of accordingly.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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